

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RISHI K. GUPTA,

Plaintiff,

19-cv-9284(PKC)

-against-

ORDER

NEW SILK ROUTE ADVISORS, L.P., et al.,

Defendants.

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CASTEL, U.S.D.J.

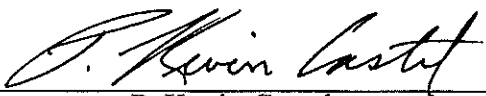
The Court has reviewed defendants' letter of June 18, 2021, plaintiff's responses of June 28, 2021 and defendants' reply of June 19, 2021.

Defendants seek to file a motion pursuant to Rules 26 and 37, Fed. R. Civ. P. , i.e. a discovery motion. The Court has no intention of conflating a merits question with a discovery issue and the parties would be well advised to again review this Court's Order of April 23, 2021 before proceeding with the motion. Defendants have asserted a counterclaim for conversion of documents and that claim will be adjudicated on the merits in due course and defendants' proposed Rule 26 and 37 motion is not a vehicle to secure summary adjudication of defendants' conversion claim. Defendants assert that the Confidentiality Order has been violated and they may bring a motion addressing the purported violation, provided that they can do so independent of the merits-based claim that plaintiff, prior to the commencement of this action, converted defendants' documents.

Defendants motion may be filed by July 16, 2021. Plaintiff may respond by July 30, 2021. Defendants may reply August 11, 2021.

Defendants letter motion (Doc 81) is GRANTED to the extent indicated herein. Plaintiff's letter motion (Doc 82) to seal its letter of June 28, 2021 subject to the filing of a copy with unspecified redactions is DENIED. There has been no demonstration that the Lugosch standard is met. All other relief sought by any party to this action is DENIED.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
June 30, 2021